

1 **PLAGER SCHACK LLP**
2 Mark H. Plager (CA Bar No. 192259)
3 *mark@plagerschack.com*
4 Michael L. Schack (CA Bar No. 128784)
5 *michaels@plagerschack.com*
6 16152 Beach Boulevard, Suite 207
7 Huntington Beach, California 92647
8 (714) 698-0601 - Phone
9 (714) 698-0608 - Fax

10 Attorneys for Interpleader
11 Gotham Insurance Company

12

13 **UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 GOTHAM INSURANCE COMPANY, } **CASE NO. 5:13 cv 03810 BL F**

16 Plaintiff in Interpleader, }

17 v. }

18 SHASTA TECHNOLOGIES, LLC,
19 INSTACARE CORP., and
20 PHARMATECH SOLUTIONS, INC.

21 Defendants in Interpleader.

22 } **STIPULATION AND [PROPOSED]**

23 } **ORDER FOR LEAVE TO FILE**
24 } **FIRST AMENDED COMPLAINT**

25 SHASTA TECHNOLOGIES, LLC,

26 Counterclaimant, }

27 v. }

28 GOTHAM INSURANCE COMPANY,
and DOES 1 TO 50 INCLUSIVE,

Counter Defendants.

29 TO: THE CLERK OF THE ABOVE-ENTITLED COURT

30 WHEREAS, the deadline for filing a motion for leave to amend pleadings or
31 add parties is August 20, 2014, and

32 WHEREAS, Plaintiff Gotham Insurance Company desires to file a First
33 Amended Complaint in the form attached hereto as Exhibit "1", and

1 WHEREAS, in order to facilitate filing of the First Amended Complaint
2 without the need for a motion for leave to amend the Complaint, Defendants are
3 agreeable to the filing of the First Amended Complaint, without admitting and
4 reserving all rights to dispute and deny the allegations contained therein; and

5 WHEREAS, the Fact Discovery Cutoff Date is November 19, 2014, and the
6 Expert Witness Discovery Date is February 13, 2015, and the parties agree that
7 additional time is needed to complete discovery in light of the proposed amended
8 complaint;

9 NOW, THEREFORE, Plaintiff GOTHAM INSURANCE COMPANY and
10 Defendants SHASTA TECHNOLOGIES, LLC, INSTACARE CORP., and
11 PHARMATECH SOLUTIONS, INC. hereby stipulate and agree, by and thorough
12 their respective counsel of records, that Court may enter an order:

- 13 1. Granting Plaintiff leave to file its First Amended Complaint in the form
14 attached hereto, and upon entry of such order, the First Amended
15 Complaint shall be deemed filed and served; and
- 16 2. Modifying the Case Management Order to reflect a new Fact Discovery
17 Cutoff of January 19, 2015, and a new Expert Discovery Cutoff of March
18 13, 2015.

19 IT IS SO STIPULATED.

20 Dated: July 24, 2014

PLAGER SCHACK LLP

22 By: /s/Mark H. Plager
23 Mark H. Plager
24 Attorneys for Plaintiff and Counter
 Defendant Gotham Insurance
 Company

1 Dated: July 24, 2014

Baer & Troff LLP

2 By: /s/Eric Troff
3 Eric Troff, Esq.
4 Attorneys for Defendants
5 Instacare Corp., and Pharmatech
Solutions, Inc.

6 Dated: July 24, 2014

OGLOZA AND FORTNEY

7 By: /s/David Fortney
8 David Fortney, Esq.

9 Attorneys for Defendant / Counter
10 Claimant Shasta Technologies,
11 Inc.

ORDER

12 Good cause appearing therefore, PURSUANT TO STIPULATION, it is
13 hereby ordered that:

- 14 Plaintiff Gotham Insurance Company is granted leave to file its First
15 Amended Complaint, and that the First Amended Complaint attached
16 hereto is hereby deemed filed and served as of the date of entry of this
17 order; and
- 18 The Case Management Order is hereby modified to reflect a new Fact
19 Discovery Cutoff of January 19, 2015, and a new Expert Discovery
20 Cutoff of March 13, 2015.

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 Dated: _____

23 _____
24 United States District Court Judge
25 Beth Labson Freeman
26
27
28